

OGC 73-0092

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action 69 Civ. 200
)	
INTERNATIONAL BUSINESS)	
MACHINES CORPORATION,)	
)	
Defendant.)	

AFFIDAVIT

Richard Helms, Director of Central Intelligence, being first duly sworn, deposes and says:

1. I was duly appointed by the President and confirmed by the Senate as Director of Central Intelligence, and as such the head of the Central Intelligence Agency. I assumed that office on June 30, 1966, and I continue to serve in that capacity.
2. The statutory authorities and responsibilities of the Director of Central Intelligence are set forth in section 102(d) of the National Security Act of 1947, as amended, 50 U.S.C. 403(d), and subsection (3) of that section provides: "That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."
3. In the interests of the security of the foreign intelligence activities of the United States and in order to further implement section 403(d)(3)

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of Title 50, section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. 403g, provides that: "...the Agency shall be exempted from...the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency:..."

4. By affidavit of 27 April 1972, I formally asserted the privileged status of classified material in the files of the Central Intelligence Agency, the production of which was ordered by Pretrial Order No. 2 and Pretrial Order No. 3 and respectfully declined to permit its production.

5. Paragraph 7 of the Order Supplementing Pretrial Order No. 2 directs that a list be provided of all responsive documents withheld on the claim of privilege. I have personally examined a representative sampling of these documents. The description of the documents as directed would disclose information regarding the organization and functions of the Agency and names of its personnel and classified information relating to intelligence sources and methods.

On the basis of the foregoing, I have determined that production by the Central Intelligence Agency of the description of documents withheld on the claim of privilege as ordered by the Order Supplementing Pretrial Order No. 2 would be inconsistent with my statutory responsibilities to protect intelligence sources and methods, incompatible with the statutory exemption conferred upon the Agency against disclosing information regarding its organization, functions and names of its personnel, and prejudicial to the security interests of the United States. Accordingly, pursuant to the authority vested in me as Director of Central Intelligence

I formally assert the privileged status of that information and I must respectfully decline to permit its production.

STATINTL

Richard Helms

Director of Central Intelligence

STATE OF VIRGINIA)
) ss
COUNTY OF FAIRFAX)

Subscribed and Sworn to before me this 18 day of January,

1973.

STATINTL

Notary Public

My commission expires

OGC:JDM:bg

Distribution:

Orig & 2 - Justice (John Earl)

✓ Subject - LITIGATION, CIVIL

1 - JDM Signer

1 - Chrono